

## Document Log

From		To	
Kathleen Mayo/R5/USEPA/US		tledder@ncis.net	
CC		BCC	
BRNRD@badriver.com			
Subject		Date/Time	
Re: Bad River tailored standards		03/31/2000 10:42 AM	

## Document Body

Hi Tracey,

Thanks for getting back to me. I just want to be certain that you are all well-informed about the binding nature of the promulgated standards. I know that you will keep the Tribe and Council well-informed because of the good job you've done with your past community education on the 106 work.

I guess what I'll need to know is:

- 1) Can we submit to HQ a draft set of tailored standards for you by April 10th? Or, will you be required to have the Council approve them before they are submitted to HQ?
- 2) If the Council needs to approve them before they are submitted to HQ, how long will this take?

I'm guessing with HQ's tight deadlines, that you'll want the draft form submitted as sort of a place-holder, and in the meantime before it comes out in the Federal Register as a proposed rule up for public comment, you'll work with the Tribe on potential changes that you'll submit during the public comment period. Is this what you're thinking? If so, what happens if EPA chooses not to address the Tribe's specific comments? Will the Tribe still be happy with the standards knowing they will not be less stringent than the GLI, but perhaps not quite as they would like them to be? For example, in your message below it sounds like you're pretty sure the Tribe's special designated uses will be promulgated, but that's not a given. Here in the Region we will definitely try to include them and justify them, but after the rule goes to public comment, it is sort of out of our hands. Also, remember that here in the Region we won't be able to have a lot of special contact with you after the rule is proposed, or provide you with additional information that we aren't supplying to everyone else.

I know you probably won't be able to answer a lot of the above questions for the Tribe, however I just want to get you thinking of all possibilities so that you can convey the information/cautions to the Council as well. Let me know the answers to #1 and #2 as soon as you can. Thanks Tracey!

Kathy

tledder@ncis.net on 03/31/2000 09:07:34 AM



tledder@ncis.net on 03/31/2000 09:07:34 AM

Please respond to tledder@ncis.net

To: Kathleen Mayo/R5/USEPA/US@EPA  
cc: BRNRD@badriver.com

Subject: Bad River tailored standards

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Kathy,

Got your message. I understand that the federal government will be promulgating standards. What I understood though that with the tailored standards option we would at least be able to get our designated uses promulgated. These are very important to the CWA protection of water quality.

What EPA must understand by now in dealing with Tribal Governments is that the Council is the decision making body. I have no authority to submit WQS to the USEPA in anything but draft form until that work has been reviewed by the Tribal Council. Because of the USEPA's deadlines in this matter we have not had the chance to take our draft to council. I understand that the tailored standards may change according to what your work requires to get the Tribes involved in tailored option to a standard format. However, our submittal still may change as council reviews our draft and we may have public comments here also.